

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

In re:

ADMINISTRATIVE ORDER 99-3

**AMENDMENT TO ADMINISTRATIVE ORDER 98-6
“NOTICE OF DELINQUENCY IN CONFIRMED
CHAPTER 13 CASES”**

On November 19, 1998, Chief Judge A. Jay Cristol signed Administrative Order 98-6 which authorizes the chapter 13 trustee to serve a notice of delinquency on debtor(s) who are not current under their confirmed chapter 13 plans. This Order clarifies the notice of delinquency procedure by providing that debtor(s) must be current under their plans 45 days after the trustee issues the notice of delinquency, including any payments that become due within the 45-day period. Therefore, the court hereby **ORDERS** as follows:

Effective upon entry of this order, if the debtor(s) fails to timely make any payment to the chapter 13 trustee after the plan has been confirmed, the trustee may serve a notice of delinquency upon the debtor(s) and the debtor(s)' attorney together with a copy of this Administrative Order. The debtor(s) shall have 45 days from the date of the notice of delinquency to make all payments due under the plan, including any payments that become due within the 45-day period. Debtor(s) seeking to cure the delinquency in a modified plan must file a motion to modify the plan accompanied by the Local Form “Notice of Hearing” within 15 days of the notice of delinquency. If the debtor(s) are not current in their plan payments on the 45th day after the date of the notice of delinquency, the trustee shall file

and serve a report of non-compliance and the case shall be dismissed without further notice or hearing. Dismissal shall be with prejudice to the debtor(s) filing any bankruptcy case for a period of 180 days from entry of the Order of Dismissal. The court will not extend these deadlines absent extraordinary circumstances.

ORDERED in the Southern District of Florida on March 12, 1999.

/s
CHIEF JUDGE A. JAY CRISTOL
United States Bankruptcy Court

cf: All SD Bankruptcy Judges
Robert Angueira, Office of the U.S. Trustee
Robin R. Weiner, Standing Chapter 13 Trustee
Nancy N. Herkert, Standing Chapter 13 Trustee